

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Bimal Mehta, Johannes Klein, Paul
Maybee, Kevin Smith, Sahsa Dadiomov,
Sanjib Saha, Lee Graber, Jean-Emile
Elien, Eldar Musayev**

Confirmation No.: 2802

Application No.: 10/698,762

Group Art Unit: 2194

Filing Date: October 31, 2003

Examiner: Charles E. Anya

For: **HANDLING A DELIVERY FAILURE AS A PROGRAM EXCEPTION IN A
DISTRIBUTED ASYNCHRONOUS ARCHITECTURE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 CFR § 1.131

I, the undersigned, hereby declare that:

1. I, Jean-Emile Elien, am a named inventor of the invention described and claimed in U.S. Patent Application Number 10/698,762 (hereinafter referred to as "the 762 application"), filed October 31, 2003, in the United States Patent and Trademark Office.

2. I am aware that the pending claims of the 762 application have been rejected as being unpatentable over U.S. Patent Application Publication Number 2005/0086297, in the name of Hinks (hereinafter referred to as "Hinks").

3. I am aware that Hinks was filed on September 27, 2004 and claims priority to a provisional application filed on October 16, 2003.

4. As an inventor of the subject matter of the pending claims, and without conceding the propriety of the rejections of the pending claims, I hereby declare that I, at least in part, invented the subject matter of the pending claims prior to October 16, 2003. I further hereby declare that I worked diligently from a date prior to October 16, 2003 to the date of constructive reduction to practice, October 31, 2003, the filing date of the 762 application, in order to prepare the 762 application and patent the invention.

5. Prior to October 16, 2003, I received an email containing a draft version of the to be 762 application (hereinafter referred to as "the draft") for review.

6. I have reviewed the claims in Exhibit A and compared them to the claims in the draft.

7. The claims of Exhibit A are the same as the claims of the draft.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or by imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing thereupon, or any patent to which this verified statement is directed.


Jean-Emile Elien

7/26/2009
Date